

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
2 Charles K. Verhoeven (Bar No. 170151)
3 charlesverhoeven@quinnemanuel.com
4 David A. Perlson (Bar No. 209502)
5 davidperlson@quinnemanuel.com
6 Melissa Baily (Bar No. 237649)
7 melissabaily@quinnemanuel.com
8 John Neukom (Bar No. 275887)
9 johnneukom@quinnemanuel.com
10 Jordan Jaffe (Bar No. 254886)
11 jordanjaffe@quinnemanuel.com
12 50 California Street, 22nd Floor
13 San Francisco, California 94111-4788
14 Telephone: (415) 875-6600
15 Facsimile: (415) 875-6700

16 Attorneys for WAYMO LLC

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 Plaintiff,

21 vs.

22 UBER TECHNOLOGIES, INC.;
23 OTTOMOTTO LLC; OTTO TRUCKING
24 LLC,

25 Defendants.

26 CASE NO. 3:17-cv-00939-WHA

27 **DECLARATION OF PATRICK
28 SCHMIDT**

Hearing:

Date: May 24, 2017

Time: 2:00 p.m.

Place: Courtroom F, 15th Floor

Judge: The Honorable Jacqueline Scott Corley

1 I, Patrick Schmidt, hereby declare as follows.

2 1. I am a member of the bar of the State of California and an associate with Quinn
3 Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Waymo LLC (“Waymo”). I make this
4 declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and
5 would testify competently as follows.

6 2. Attached hereto as Exhibit 9¹ is a true and correct copy of the February 22, 2016
7 executed term sheet related to the Otto acquisition produced by Uber Technologies, Inc. (“Uber”).

8 3. Attached hereto as Exhibit 10 is a true and correct copy of the agreement to
9 indemnify certain employees produced by Uber.

10 4. Attached hereto as Exhibit 11 is a true and correct copy of the Exhibit A to the
11 indemnification agreement produced by Uber.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct.

14 DATED: May 16, 2017

/s/ Patrick Schmidt
Patrick Schmidt

17 **SIGNATURE ATTESTATION**

18 Pursuant to Local Rule 5-1(i)(3), I attest under penalty of perjury that concurrence in the
19 filing of this document has been obtained from Patrick Schmidt.

21 */s/ Charles K. Verhoeven*
Charles K. Verhoeven

26 ¹ For clarity, this Declaration begins with Exhibit 9 because Waymo submitted Exhibits 1-8
27 with the Declaration of Kevin Smith that it submitted in support of its opening brief on May 1,
2017 (Dkt. 321-1).